

Attorney Docket No. 10123/00401 (03-079US)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICERECEIVED  
CENTRAL FAX CENTER

Inventor(s) : Walak et al.  
Serial No. : 10/666,863  
Filing Date : September 17, 2003  
For : Fatigue Resistant Medical Devices  
Group Art Unit : 1742  
Confirmation No. : 8458  
Examiner : George P. Wyszomierski

JUL 09 2007

Mail Stop: Amendments  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER TO OBLIGATE A  
DOUBLE PATENTING REJECTION OVER A PRIOR PATENT

BOSTON SCIENTIFIC SCIMED, INC. is the owner of 100% percent interest in the above-identified application and U.S. Patent No. 6,890,350. The owner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 6,890,350. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full

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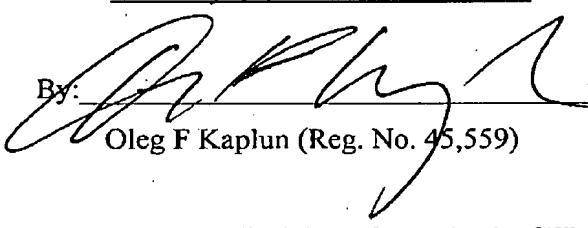
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statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patents, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: July 9, 2007

By: 

Oleg F Kaplun (Reg. No. 45,559)

Terminal disclaimer fee under 37 CFR 1.20(d) included.  
 PTO suggested wording for terminal disclaimer was  
     unchanged,  
     changed (if changed, an explanation should be supplied).

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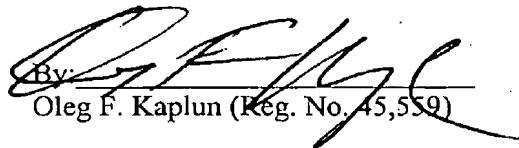
**STATEMENT UNDER 37 CFR 3.73(b)**

BOSTON SCIENTIFIC SCIMED, INC. hereby states that it is the assignee of the entire right, title, and interest of the above-identified application and U.S. Patent No. 6,890,350. The assignment of this application to Scimed Life Systems, Inc. was by way of assignment from the inventors to Scimed Life Systems, Inc. was recorded by the USPTO on September 17, 2003 and assigned Reel/Frame No. 014537/0065. A Change of Name from Scimed Life Systems, Inc. to Boston Scientific Scimed, Inc. was recorded on November 6, 2006 and assigned Reel/Frame No. 018505/0868. The assignment of U.S. Patent No. 6,890,350 was by way of assignment from the inventors to Scimed Life Systems, Inc. was recorded by the USPTO on October 31, 2000 and assigned Reel/Frame No. 011264/0508. A Change of Name from Scimed Life Systems, Inc. to Boston Scientific Scimed, Inc. filed on November 6, 2006 and assigned Reel/Frame No. 018505/0868.

The undersigned is authorized to act on behalf of the assignee.

Respectfully submitted,

Dated: July 9, 2007

  
By \_\_\_\_\_  
Oleg F. Kaplun (Reg. No. 45,559)

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